

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated March 23, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-20 and 23-38 are pending in the Application. Claims 33-38 are added by this amendment. Claims 1, 15 and 28 are independent claims.

In the Office Action, claims 1 and 15 are maintained rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement since it is alleged that performing a search to identify data related to the selected product including at least one source not associated with a source of the video program as substantially recited in each of claims 1 and 15, is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the application was filed had possession of the claimed invention.

This rejection of claims 1 and 15 is respectfully traversed.

It is respectfully submitted that the specification provides ample support and sufficient description, of claims 1 and 15

recitations of "... including at least one source not associated with a source of the video program", in such a way as to reasonably convey one skilled in the relevant art that the inventor, at the time of the application was filed had possession of the claimed invention.

The present application makes clear that prior systems, such as Huber discussed in more detail below, are limited to sources that are associated with a source of the video program. (See, page 3, lines 13-17.) It is respectfully submitted that the Applicants recognized that "data casting systems may already exist, i.e. video stream with embedded information for interactive use" such as shown in Huber. Yet with datacasting, (emphasis added) "the broadcaster is the party preparing the content and inserting the information, thus acting on behalf of the seller or advertiser and NOT ON BEHALF OF A CONSUMER." (See, present patent application, page 4, lines 13-15.)

The present application makes clear that the present system, performs "[a]n autonomous search 50 ..." (See, present application, FIG. 2 and page 17, lines 13-14.) A first synonym for "AUTONOMOUS", provided by Encarta's Dictionary, 2003 Edition, is independent and Encarta's Dictionary, 2003 Edition, defines

autonomous as self governing or (emphasis added) "able to make decisions and act on them as a free and independent moral agent".

The present application gives two specific examples of sources not associated with a source of the video program, namely a, user's custom list and a system generated list which could be based on the user's shopping habits. (See, present application, page 18, lines 7-15.)

It is respectfully submitted that the specification provides more than sufficient description, and that one skilled in the art would understand from the specification that the search to identify data related to the selected product includes at least one source not associated with a source of the video program, namely a user's custom list and a system generated list based on the shopping habit of the user, where such USER LISTS are "NOT associated with a source of the video program".

It is only through utilization of the sources not associated with the source of the video program that the present system MAY ACT ON BEHALF OF THE CONSUMER and NOT on behalf of the broadcaster (See, present patent application, page 4, lines 13-15.)

Clearly, the specification complies with the written description requirement and reasonably conveys that the inventors,

at the time of the application was filed, had possession of the claimed invention, namely, performing a search to identify data related to the selected product including at least one source not associated with a source of the video program as recited in claims 1 and 15. Accordingly, withdrawal of this rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Office Action, claims 1-6, 9-14, 28-30 and 32 are rejected under 35 U.S.C. §101. This rejection of claims 1-6, 9-14, 28-30 and 32 is respectfully traversed. However, without agreeing with the position forwarded in the Office Action and in the interest of advancing consideration and allowance of the pending claims, as this is the eight response provided by the Applicants, claim 1 is amended in an attempt to address the concerns raised by the Office Action. It is respectfully submitted that claims 1-6, 9-14, 28-30 and 32 are clearly directed to statutory subject matter. Accordingly, it is respectfully submitted that the subject matter of claims 1-6, 9-14, 28-30 and 32 is statutory and it is respectfully requested that this rejection under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. §103(a) over U.S. Patent

Publication No. 2002/0120935 to Huber ("Huber") in view of U.S. Patent No. 6,669,278 to Yen ("Yen"). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent No. 6,553,347 to Tavor ("Tavor"). Claims 11, 14, 25 and 27 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2005/0015815 to Shoff ("Shoff"). Claim 28 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor. Claim 29 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor in further view of U.S. Patent Publication No. 2002/0059590 to Kitsukawa ("Kitsukawa"). Claims 30 and 31 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2003/0130983 to Rebane ("Rebane"). Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Yen in further view of Tavor in further view of Rebane. The rejections of claims 1-6, 9-20 and 23-32 is respectfully traversed. It is respectfully submitted that the claims are allowable over Huber in view of Yen alone, and in any combination with Tavor, Shoff, Kitsukawa and Rebane for at least the following reasons.

It is undisputed that Huber does not disclose or suggest performing a search to identify data related to the selected product including at least one source not associated with a source of the video program (see, Office Action, page 7). Yen is introduced to show that which is admitted missing from Huber, however, it is respectfully submitted that reliance on Yen is misplaced.

The Office Action urges the Applicants to read Yen, Col. 11, lines 25-31. The Applicants must point out that not only have the Applicants previously read these sections, but in fact, the Applicants have previously quoted a significant portion of this section, and have proven, that these sections do not teach, disclose or suggest performing a search ... including at least one source not associated with a source of the video program as recited in the claims.

The Office Action takes a position in the Response to Arguments section of the Office Action that Yen discloses local retailers as a source not associated with the broadcaster. What Yen in fact discloses is sources associated with the broadcaster.

In contrast with the assertion of the Office Action, Yen makes clear that it is a commercial for a product that includes a

directive to perform a search, and as such, clearly the search is of a source associated with the broadcasters since it is the commercial that includes the associated search of sources.

Accordingly, it is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Huber in view of Yen alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane. For example, Huber in view of Yen alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as recited in claim 1, and as substantially recited in each of Claims 15 and 28. Tavor, Shoff, Kitsukawa and Rebane are cited for allegedly showing other features of the claims yet in any event, do not cure the deficiencies in Huber.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 15, and 28 are patentable over Huber in view of Yen, alone, and in any combination with Tavor, Shoff, Kitsukawa and Rebane and notice to this effect is earnestly solicited. Claims 2-6, 9-14, 16-20 and 23-38 respectively depend

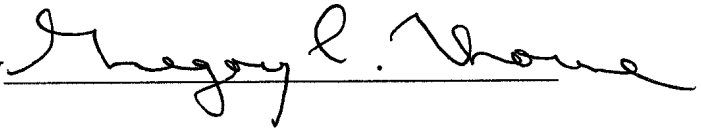
from one of Claims 1, 15 and 28 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.



Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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